

ORIGINAL

AUSA: Lisa Daniels

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**23 MAG 7571**

UNITED STATES OF AMERICA

v.

JYSHUN TROWER,
a/k/a "JD," and
STIVEN ARTURO MARTINEZ NIN,

Defendants.

COMPLAINTViolations of 18 U.S.C. §§ 922(a)(1)(A),
922(a)(5), 924(c), and 2, and 21 U.S.C.
§§ 846 and 841(b)(1)(A)COUNTY OF OFFENSE:
NEW YORK**DOC #** 1

SOUTHERN DISTRICT OF NEW YORK, ss.:

Juan Rodriguez, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD") and a Task Force Officer with the Drug Enforcement Administration ("DEA") Firearms Task Force, and charges as follows:

COUNT ONE**(Unlicensed Firearms Dealing)**

1. From at least on or about June 5, 2023, through at least December 14, 2023, in the Southern District of New York and elsewhere, JYSHUN TROWER, the defendant, not being a licensed importer, licensed manufacturer, or licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, willfully and knowingly engaged in the business of dealing in firearms, and in the course of such business shipped, transported, and received a firearm in interstate and foreign commerce, and aided and abetted the same, to wit, JYSHUN TROWER illegally sold firearms in Manhattan, New York.

(Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1)(D), and 2.)

COUNT TWO**(Interstate Transportation and Distribution of Firearms)**

2. From at least on or about June 5, 2023, through at least in or about December 14, 2023, in the Southern District of New York and elsewhere, JYSHUN TROWER, the defendant, not being a licensed importer, licensed manufacturer, or licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, willfully and knowingly transferred, sold, traded, gave, transported, and delivered a firearm to another individual, said person not being a licensed importer, licensed manufacturer, licensed dealer, or licensed collector of firearms within the meaning of Chapter 44, Title 18, United States Code, and knowing and with reasonable cause to believe that said person was not then residing in Virginia, the State in which the defendant was then residing, to wit, JYSHUN TROWER resided in Virginia and traveled to Manhattan, New York, where he sold firearms.

(Title 18, United States Code, Sections 922(a)(5), 924(a)(1)(D), and 2.)

COUNT THREE
(Conspiracy to Distribute Narcotics)

3. From at least on or about November 16, 2023, through on or about December 14, 2023, in the Southern District of New York and elsewhere, JYSHUN TROWER and STIVEN ARTURO MARTINEZ NIN, the defendants, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

4. It was a part and an object of the conspiracy that JYSHUN TROWER and STIVEN ARTURO MARTINEZ NIN, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

5. The controlled substance that JYSHUN TROWER and STIVEN ARTURO MARTINEZ NIN, the defendants, conspired to distribute and possess with intent to distribute was 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).)

COUNT FOUR
(Firearms Use)

6. On or about December 14, 2023, in the Southern District of New York and elsewhere, JYSHUN TROWER, the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the drug trafficking crime charged in Count Three of this Complaint, knowingly used and carried a firearm, and in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

7. I am a Detective with the New York City Police Department, Firearms Investigation Unit, and a Task Force Officer with the DEA Firearms Task Force. I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses, and others, as well as my examination of reports, records, audio recordings, and video footage. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview

8. Based on my training and experience, my participation in this investigation, including my personal observations, my conversations with an undercover law enforcement agent (“UC-1”), my conversations with a confidential source working at the direction of law enforcement (“CS-1”),¹ my review of materials provided by UC-1, and CS-1, including screenshots and recordings of the communications described below, my conversations with other law enforcement agents, and my review of law enforcement reports and records, I have learned the following, among other things:

a. Since at least in or about June 2023, law enforcement agents have been investigating an individual based in the Virginia Beach, Virginia area who is selling guns and narcotics in New York City. During the course of the investigation, undercover law enforcement agents have communicated with JYSHUN TROWER, a/k/a “JD,” the defendant, by phone, including using the encrypted mobile messaging applications WhatsApp and Signal, audio messages, and calls. TROWER, the defendant, agreed to sell CS-1 and UC-1 guns, which were transported into New York, where they were sold. In addition, TROWER agreed to sell CS-1 and UC-1 narcotics in New York.

b. In a series of approximately ten transactions between on or about June 5, 2023, and on or about December 14, 2023, JYSHUN TROWER sold law enforcement agents approximately 43 firearms, a “sample” of fentanyl as a precursor to later fentanyl transactions, and approximately one kilogram of pills containing fentanyl. Included in the firearms that TROWER sold were assault rifles; other military-style weapons; numerous handguns, high-capacity magazines, and a ghost gun. The specific transactions are described further, below.

The Firearms Sales

9. Based on my participation in this investigation, including my personal observations, my conversations with UC-1, my conversations with CS-1, my review of materials provided by UC-1, and CS-1, including screenshots and recordings of the communications described below, my review of audio and video recordings, my conversations with other law enforcement agents, my review of publicly available records from the Bureau of Alcohol, Tobacco, and Firearms and Explosives (“ATF”), and my review of law enforcement reports and records, I have learned the following, among other things:

a. Based on a search of publicly available ATF records of federal firearms licenses, I know that TROWER does not have a federal firearms license.

b. On or about May 3, 2023, CS-1 and an individual CS-1 knew as “JD” communicated using the encrypted messaging application Signal and made plans to meet in Manhattan at approximately 7:00 to 7:30 p.m. CS-1 and UC-1 traveled together to the meeting location in UC-1’s car. CS-1 informed JD in which car CS-1 was sitting. At approximately 8:00 p.m., JD contacted CS-1 using Signal and stated that JD was approximately two minutes away

¹ CS-1 has been providing information to law enforcement since in or about 2020. CS-1 is providing information to law enforcement in exchange for immigration benefits. Information provided by CS-1 has been found reliable and has led to multiple seizures of firearms.

from the meeting location. Approximately five minutes later, a black Dodge Durango with a Virginia license plate arrived in the vicinity of the intersection where CS-1 and JD had planned to meet. A male, later identified as JYSHUN TROWER, the defendant, got out of the black Dodge Durango carrying a backpack, and got into the backseat of UC-1's car. CS-1 introduced TROWER to UC-1. TROWER then handed CS-1 a black plastic bag containing a 9 mm Glock 17 pistol, a 9mm Glock 43 pistol, and two Century International Arms 9mm pistols. In exchange, CS-1 handed TROWER approximately \$3,900 of prerecorded U.S. currency.

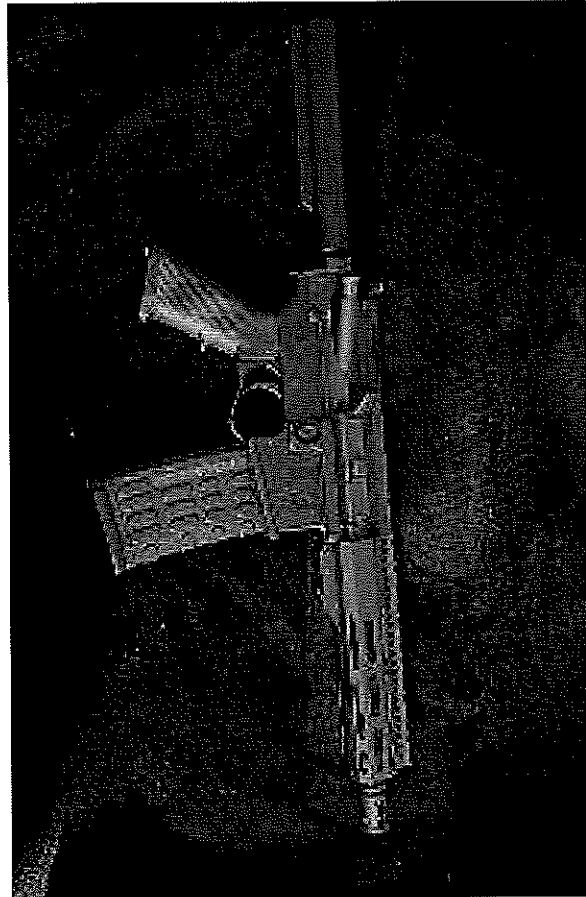
c. On or about May 30, 2023, CS-1 communicated with TROWER using Signal. TROWER stated in substance and in part that he was going to be in the Philadelphia, Pennsylvania area and had firearms to sell. TROWER sent CS-1 photographs of multiple firearms, including two pistols, a folding rifle, and an AR platform .22 caliber rifle. CS-1 responded in substance and in part that UC-1 would meet with TROWER to purchase the guns the following Monday.

d. On or about Monday, June 5, 2023, TROWER contacted CS-1 using Signal. CS-1 informed TROWER that UC-1 would be driving the same car as on or about May 3, 2023. TROWER informed CS-1 that TROWER would be driving a Jeep Cherokee. UC-1 and TROWER met in the vicinity of the same intersection in Manhattan as on or about May 3, 2023. TROWER arrived in a white Jeep Cherokee with a Pennsylvania license plate. TROWER got out of the Jeep Cherokee and entered UC-1's car, carrying a backpack. TROWER gave UC-1 the bag containing three firearms: a 40 caliber Smith & Wesson semi-automatic pistol; a 9 mm Smith & Wesson semiautomatic pistol, and a 22 caliber Smith & Wesson semiautomatic rifle. In exchange, UC-1 gave TROWER \$2,800 of prerecorded U.S. currency. UC-1 gave TROWER UC-1's phone number for future transactions. Later that day, UC-1 received a message on WhatsApp from "jb."

e. On or about June 13, 2023, CS-1 and TROWER communicated using Signal. TROWER stated in substance and in part that he would not be able to drive into New York City from Philadelphia, Pennsylvania for their next transaction, and instead would be taking a bus to the New York City area. TROWER and CS-1 discussed a price of \$3,500 for the firearms, and that UC-1 and TROWER would meet to complete the sale. On or about June 14, 2023, UC-1 communicated with TROWER over the encrypted messaging application WhatsApp. TROWER messaged UC-1 from the same number that had messaged UC-1 on or about June 5, 2023, introducing himself as "jb." TROWER and UC-1 agreed to meet in Brooklyn in the vicinity of a particular hotel. UC-1 drove to the location. TROWER entered UC-1's car, carrying a backpack. TROWER stated, in substance and in part, that he did not bring a certain assault rifle because it was too big to bring on the bus. TROWER stated also that he planned to take buses from then on when coming up to the New York City area. TROWER gave UC-1 four firearms: a 9mm Taurus pistol, two 40 caliber Smith & Wesson pistols, and a 9mm ghost gun. An image of the firearms is below. In exchange, UC-1 gave TROWER approximately \$3,500 of prerecorded U.S. currency.



f. On or about June 18 and 22, 2023, TROWER sent UC-1 photos of assault style rifles and a handgun, among other firearms, using WhatsApp. Photographs of the assault style rifles are below. TROWER stated, in substance and in part, that he had a shotgun, an ARP, and compacts—that is, handguns, to sell. UC-1 asked for the price for all of them. On or about June 30, 2023, TROWER sent UC-1 photos of two additional handguns. UC-1 responded that he would purchase them. On or about July 5, 2023, UC-1 messaged TROWER and stated in substance and in part that he could not meet that day but could meet the following. TROWER responded stating in substance and in part that he also could not meet that day because he was in Philadelphia and “2 of my loads ain’t make it up on the bus last night.” The next day, TROWER and UC-1 met in New Jersey. TROWER sold UC-1 a semiautomatic shotgun and a semiautomatic rifle, and three magazines. UC-1 gave TROWER approximately \$2,500 in prerecorded U.S. currency.



g. On or about July 10 and 11, 2023, UC-1 and TROWER communicated using WhatsApp regarding a transaction involving a firearm and components that convert a semiautomatic pistol into a fully automatic pistol in exchange for \$1500 to \$1750. TROWER also sent photographs of such components to UC-1 over WhatsApp. On or about July 12, 2023, UC-1 and TROWER met in the vicinity of the intersection in Manhattan where they had met previously. TROWER entered UC-1's car and handed UC-1 a 40 caliber Glock pistol, a magazine, and a rapid firing device—that is, a component or components used to convert a semiautomatic pistol into a fully automatic pistol. In exchange, UC-1 gave TROWER approximately \$1600 of prerecorded U.S. currency.

h. Between on or about July 21, 2023, and September 29, 2023, TROWER sold UC-1 approximately 29 firearms in five transactions:

i. On or about July 21, 2023, UC-1 met TROWER in the vicinity of the intersection in Manhattan where they had met previously. TROWER sold UC-1 a semiautomatic rifle, a Glock .38 caliber semiautomatic pistol, a Taurus .38 caliber semiautomatic pistol, and several magazines. A photo of the firearms is below. In exchange, UC-1 gave TROWER approximately \$3,800 of prerecorded U.S. currency.



ii. Several days later, on or about July 24, 2023, TROWER messaged UC-1 on WhatsApp multiple photos of firearms, including a handgun and an AR style pistol. TROWER stated: "Can send em up dis week." An image of the AR style pistol is below.



iii. On or about July 31, 2023, UC-1 met TROWER in the vicinity of the intersection in Manhattan where they had met previously. TROWER sold UC-1 six firearms, including three 9mm pistols and a semiautomatic rifle, and ammunition in exchange for \$6,700. An image of the firearms is below. The money was prerecorded U.S. currency.



iv. On or about August 17, 2023, UC-1 met TROWER in the vicinity of the intersection in Manhattan where they had met previously. TROWER arrived in a white Jeep with Virginia license plates. TROWER got in UC-1's car and sold UC-1 two 9mm pistols, one Smith & Wesson 38 caliber revolver, three rifles, magazines, and ammunition in exchange for \$7,800. An image of the firearms is below. The money was prerecorded U.S. currency.



v. On or about August 25, 2023, UC-1 met TROWER in lower Manhattan. TROWER sold UC-1 ammunition and nine firearms: two Smith & Wesson revolvers, four pistols, one Kalashnikov rifle, two additional rifles, magazines, and ammunition. An image of the firearms is below. In exchange, UC-1 gave TROWER approximately \$9,500 of prerecorded U.S. currency.



vi. On or about September 29, 2023, UC-1 met TROWER in the lower Manhattan. TROWER sold UC-1 four pistols, one rifle, ammunition, and a bulletproof vest. In exchange, UC-1 gave TROWER approximately \$5,300 of prerecorded U.S. currency. An image of the firearms and vest is below.



vii. From on or about October 1, 2023, through on or about October 5, 2023, TROWER communicated with UC-1 on WhatsApp and sent photos of guns, magazines, and extended magazines for sale, along with prices. TROWER also asked UC-1 whether UC-1 was interested in purchasing silencers and sent several photos of silencers including the image below. TROWER stated in substance and in part that he was selling silencers for approximately \$2,000 and that he was trying to purchase them in bulk or consistently so that he could lower the price of the silencers.



The Narcotics and Firearms Sale

10. Based on my participation in this investigation, including my personal observations, my conversations with UC-1, my conversations with CS-1, my review of materials provided by UC-1, and CS-1, including screenshots and recordings of the communications described below, my review of audio and video recordings, my review of conversations using

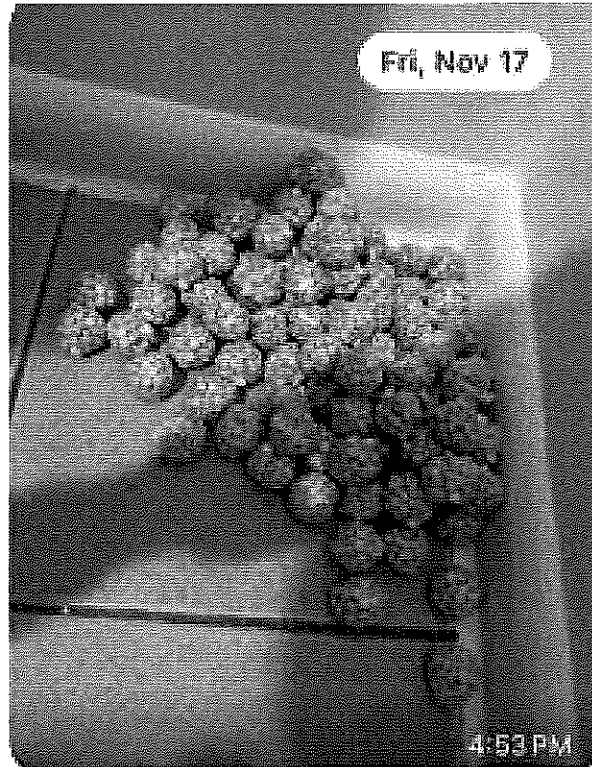
encrypted messaging applications, my conversations with other law enforcement agents, and my review of law enforcement reports and records, I have learned the following, among other things:

a. From at least on or about November 3, 2023, TROWER communicated with CS-1 using Signal regarding a narcotics transaction involving thousands of pills, which CS-1 understood contained fentanyl. CS-1 stated in substance and in part that he would need a sample to make sure the deal could proceed.

b. On or about November 13, 2023, TROWER communicated with CS-1 using Signal. TROWER stated in substance and in part that he was waiting on his people who had “10k” for CS-1 to purchase, which CS-1 understood to be a reference to ten thousand pills containing fentanyl. TROWER stated that he was “trying to get the samples” and that he had not personally seen the ten thousand pills yet. TROWER stated: “Imma be up personally on Thursday to grab the samples.”

c. On or about November 16, 2023, TROWER communicated with CS-1 using Signal and told CS-1 to meet TROWER at the address of a particular residential building in the Bronx for the purpose of providing a sample of the pills. At approximately 7:00 p.m., TROWER arrived at the address by car. A male later identified as STIVEN ARTURO MARTINEZ NIN, the defendant, walked out of the building and got into TROWER’s car. TROWER then contacted CS-1 using Signal and asked, in substance and in part, whether CS-1 was arriving soon. CS-1 arrived and parked his car behind TROWER’s car, and TROWER and MARTINEZ got out of TROWER’s car. MARTINEZ stood on the sidewalk while TROWER got in CS-1’s car. TROWER handed CS-1 a small package containing a sample pills.

d. On or about November 16, 2023, TROWER messaged CS-1 using Signal and stated in substance and in part that the pills would be “packed by the 100 and bagged by the 1000 with extras in some just in case some break up from being compressed.” The next day, TROWER messaged CS-1 a photograph of tens of bags containing what appears to be hundreds of pills and stated, “everything is here.” An image is below.



e. On or about November 27, 2023, the NYPD Laboratory confirmed through testing that the pills TROWER provided as a sample on or about November 16, 2023, contained fentanyl and a fentanyl analogue, para-fluorofentanyl. The pills were round blue tablets stamped with “M/30.” Based on my review of the NYPD Laboratory report and open-source internet research, I know that round blue pills imprinted with “M/30” are pharmaceutically manufactured as Oxycodone Hydrochloride 30mg pills and that narcotics traffickers often sell counterfeit blue M30 pills that contain fentanyl.² Based on the NYPD Laboratory results, I know that the pills provided on November 16, 2023 are counterfeit pharmaceutical pills, containing fentanyl and a fentanyl analogue, para-fluorofentanyl.

f. On or about December 7, 2023, CS-1 communicated with TROWER using Signal regarding a transaction involving more fentanyl pills the following week.

g. On or about December 5, 2023, and December 12, 2023, TROWER messaged UC-1 on WhatsApp photos of multiple firearms for sale, including the image below.

² See, e.g., DEA, *DEA Issues Public Safety Alert on Sharp Increase in Fake Prescription Pills Containing Fentanyl and Meth* (Sept. 27, 2021), <https://www.dea.gov/press-releases/2021/09/27/dea-issues-public-safety-alert>; DEA, *One Pill Can Kill*, <https://www.dea.gov/onepill> (last visited November 29, 2023); Jan Hoffman, *Fentanyl Tainted Pills Bought on Social Media Cause Youth Drug Deaths to Soar*, N.Y. Times (May 19, 2022), <https://www.nytimes.com/2022/05/19/health/pills-fentanyl-social-media.html>.



h. On or about December 14, 2023, CS-1 and TROWER communicated regarding UC-1 meeting TROWER at approximately 7:00 p.m. to conduct a narcotics transaction. UC-1 and TROWER then communicated using WhatsApp regarding the transaction including both narcotics and firearms. At approximately 8:00 p.m., TROWER arrived at the planned meeting location in Manhattan, driving a black Volkswagen with Florida license plates, with two other males in the car. MARTINEZ arrived separately in a taxi. MARTINEZ got out of the taxi carrying a bag. Law enforcement approached TROWER and placed him under arrest. MARTINEZ ran from law enforcement and threw the bag he was carrying, which law enforcement recovered. Law enforcement then apprehend MARTINEZ.

i. Subsequently, law enforcement recovered from the bag approximately 1 kilogram of pills, including their packaging, that appear to be the same as the pills in the photos that MARTINEZ sent TROWER and that TROWER sent CS-1. The pills also appear to be the same as the pills that TROWER provided to CS-1 as a sample and that the NYPD Laboratory confirmed through testing contained fentanyl and para-fluorofentanyl.

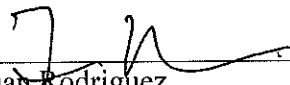
j. In a post-arrest, *Mirandized* interview, MARTINEZ provided consent to law enforcement to search his phone. Based on review of MARTINEZ's phone, I know that on or about November 10, 2023, TROWER and MARTINEZ communicated using the encrypted messaging application Telegram regarding narcotics transactions. MARTINEZ and TROWER discussed meeting later that week for TROWER to obtain a sample from MARTINEZ. MARTINEZ also sent TROWER a photo of pills. The appearance of the pills is consistent with the appearance of the sample pills provided on November 16, 2023, and the approximately 1 kilogram of pills in MARTINEZ's possession on December 14, 2023.

k. Law enforcement also recovered from the black Volkswagen that TROWER drove to the meeting location in Manhattan a bag in the backseat containing approximately five firearms, including one AR-45 machine pistol with an arm brace, which appears to be the same firearm as depicted in the photograph TROWER sent UC-1, as described

above in paragraph 12(h), two Glock pistols, and two magazines and an extended magazine. An image of the firearms and ammunition recovered is below.

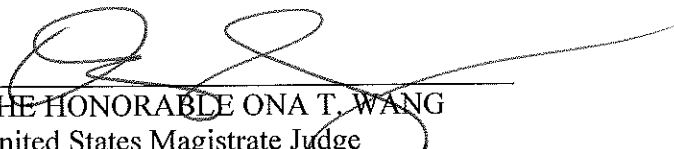


WHEREFORE, I respectfully request that JYSHUN TROWER and STIVEN ARTURO MARTINEZ NIN, the defendants, be imprisoned or bailed, as the case may be.



Juan Rodriguez
Detective, NYPD
Task Force Officer, DEA Firearms Task Force

Sworn to before me this 15 day of December, 2023.



THE HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York